

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Petitioner, vs. ACCERIS COMMUNICATIONS PARTNERS a/k/a WORLDXCHANGE CORPORATION Respondent.	DOCKET NO. FCU-03-49
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ORDER APPROVING SETTLEMENT AND ASSESSING CIVIL PENALTIES

(Issued November 21, 2003)

On October 7, 2003, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a "Petition for Proceeding to Impose Civil Penalties" for alleged cramming violations committed by Acceris Communications Partners a/k/a WorldXChange Corporation (WorldXChange).

In the petition, Consumer Advocate asserted that on or about April 28 and April 29, 2003, WorldXChange billed the complaining customer \$148.33 for the downloading of a direct-dial service without authorization in violation of Iowa's anti-cramming law, Iowa Code § 476.103 (2003).

On November 13, 2003, the parties to this docket, Consumer Advocate and WorldxChange, submitted a joint motion for approval of a settlement. The settlement

agreement addresses all issues in the docket and includes a monetary penalty against WorldXChange in the amount of \$500, which is to be paid within 30 days of the date of this order.

The settlement agreement is reasonable in light of the record, is in conformance with all applicable statutes and rules, is in the public interest, and will be approved. 199 IAC 7.2(11).

IT IS THEREFORE ORDERED:

1. The "Joinder in Motion for Approval of Settlement Agreement" filed in this docket on November 13, 2003, is granted, and the "Settlement Agreement" is approved.
2. Pursuant to Iowa Code § 476.103 and the "Settlement Agreement" filed November 13, 2003, WorldXChange is assessed a civil penalty in the amount of \$500. Payment is due within 30 days of the date of this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 21st day of November, 2003.